

Members

Sen. Charles Meeks, Chairman
Sen. John Waterman
Sen. Greg Server
Sen. James Lewis
Sen. Timothy Skinner
Sen. Sam Smith
Rep. Tiny Adams, Vice-Chairperson
Rep. James Bottorff
Rep. Paul Robertson
Rep. Daniel Leonard
Rep. Marlin Stutzman
Rep. Dean Young



INTERIM STUDY COMMITTEE ON LAKE AND WATER ISSUES

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Ken Roney, Attorney for the Committee
Valerie Ruda, Fiscal Analyst for the Committee

Authority: Legislative Council Resolution 03-01

MEETING MINUTES¹

Meeting Date: September 23, 2003
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington
St., Room 431
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Sen. Charles Meeks, Chairman; Sen. James Lewis; Sen. Sam Smith; Rep. Tiny Adams, Vice-Chairperson; Rep. Daniel Leonard.

Members Absent: Sen. John Waterman; Sen. Greg Server; Sen. Timothy Skinner; Rep. James Bottorff; Rep. Paul Robertson; Rep. Marlin Stutzman; Rep. Dean Young.

1. Call to Order

Senator Charles Meeks called the meeting to order at 1:13 P.M.. After a review of the prior Committee meeting minutes, the Chairman requested testimony and recommendations from the Department of Natural Resources (DNR) on topics noted during the prior meeting of the Committee.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

2. DNR Introduction

The Chairman recognized Dan Mathis of the Department of Natural Resources (DNR) who provided a review of the topics to be presented. Mr. Mathis apologized for not having the DNR recommendations on law enforcement issues prepared for the meeting. He informed the Committee that progress on these issues is ongoing in the DNR and that the members would be informed of the results.

3. Lake Management Work Group

Mr. Mathis yielded to Jim Ray of the DNR Soil Conservation division, who discussed the recommendations of the Lake Management Work Group (Work Group) and provided the members of the Committee with reports titled "Summary of Actions Taken In Response to December 1999 Recommendations" (Exhibit A) and "Re-Establishment of the Lake Management Work Group" (Exhibit B). Committee members then discussed information contained in the reports, funding issues, DNR involvement, optimal Work Group size, retention of Work Group members, and environmental issues with Mr. Ray, John Goss, Director of DNR, and former members of the Work Group.

Mr. Goss stated that DNR currently possesses the authority and financial resources to re-constitute a Work Group on a limited scale, and that the DNR intends do so. He indicated that no legislation is required.

The Chairman recognized Glenn Pratt, who discussed algal problems and nutrient issues. Mr. Pratt suggested that these would be a good issue for a reconstituted Work Group to study.

Although no formal vote was taken due to the lack of a quorum, the members of the Committee voiced approval of DNR's proposal to reconstitute a Work Group.

4. Seawalls

Chairman recognized Mike Nyer, DNR Director of Water, who began a powerpoint presentation titled "Seawalls and Great Lake Basin Withdrawals" (Exhibit C).

In the course of the presentation, the Committee members discussed jurisdictional issues, seawall permit procedures, and alternative seawall design possibilities with Mr. Nyer.

The Chairman recognized Tonya Galbraith, Indiana Department of Environmental Management (IDEM), who gave an overview of IDEM's position on the seawall issue. Ms. Galbraith then yielded to Andrew Pelloso, IDEM Senior Environmental Manager.

Mr. Pelloso explained the sources of authority for IDEM, DNR, and the U.S. Army Corps of Engineers jurisdiction over seawalls. The Committee members discussed shoreline erosion, jurisdictional issues, and alternate permit policies with Mr. Pelloso. The Chairman noted that no testimony had been heard on this issue from seawall contractors or public lake landowners, and that gaining input from representatives of these groups might be a project for the re-constituted Work Group.

5. Great Lakes Basin Withdrawals

The Chairman recognized Steve Lucas, Director of the NRC Commission/Hearings. Mr. Lucas continued the powerpoint presentation (Exhibit C) to explain the contradictions between the federal Water Resources Development Act and Indiana state law. The

Committee then discussed the issues involving the Great Lakes Basin Commission, the role of other state governments, possible water diversions, and Canadian involvement with Mr. Lucas, Mr. Mathis, and Jim Hebenstreit of the DNR Division of Water. Mr. Lucas presented the Committee with a proposed change to the Indiana Code that DNR believes would remove the contradiction between state and federal law in this area.

6. Technical Correction

Mr. Lucas continued the powerpoint presentation with a proposal that the legislature consider a technical amendment to make the Indiana Code consistent with the procedures of the federal Coastal Zone Management Program.

7. Close of DNR Presentation

The Chairman recognized Mr. Mathis, who thanked the Committee for their attention to the issues under discussion and again indicated that the DNR is continuing to look into additional law enforcement ideas. He stated that he hoped to get any proposals to the members of the Committee.

8. Committee Discussion

The Chairman informed the members that this was the final meeting of the Committee and that the staff would be drafting minutes and an informational report. As a quorum was not present, no final report or recommendations could be approved by the Committee. Senator Meeks stated that DNR had agreed to create a brief of legislative proposals. Representative Adams informed the members of the Committee that the brief would be distributed to them for their consideration.

The Chairman recognized Robert Eddleman, former U.S. Department of Agriculture state conservationist and former Work Group member. Mr. Eddleman complimented the Committee and the Work Group, and recommended that attention be given to the Clean Water Indiana Program. He indicated that significant federal funding is available if the state is in compliance.

9. Adjournment

As there was no other business before the Committee, the Chairman adjourned the meeting at 2:30 P.M.